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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|-----------------------|-----------------------|----------------------|---------------------|------------------|--|
| 10/642,528 | 08/15/2003 | Joseph P. Errico | F-265 | 3167 | |
| 51640 | 7590 | 10/23/2006 | EXAMINER | | |
| SPINE MP | LERNER, DAVID, et al. | PELLEGRINO, BRIAN E | | | |
| 600 SOUTH AVENUE WEST | WESTFIELD, NJ 07090 | ART UNIT | | PAPER NUMBER | |
| | | 3738 | | | |

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|---|------------------------|---------------------|--|
| Response to Rule 312 Communication | Application No. | Applicant(s) | |
| | 10/642,528 | ERRICO ET AL. | |
| | Examiner | Art Unit | |
| | Brian E. Pellegrino | 3738 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. The amendment filed on 02 October 2006 under 37 CFR 1.312 has been considered, and has been:

- a) entered.
- b) entered as directed to matters of form not affecting the scope of the invention.
- c) disapproved because the amendment was filed after the payment of the issue fee.
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d) disapproved. See explanation below.
- e) entered in part. See explanation below.



**BRIAN E. PELLEGRINO
PRIMARY EXAMINER**